

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION

ERNEST W. L. THOMPSON

PLAINTIFF

v.

No. 2:18-cv-49-DPM

IVORY T. McDANIEL, Sergeant,
Brickey Unit, ADC; S. CHAPMAN,
Sergeant, Brickey Unit, ADC;
and JERMY SYKES, Sergeant,
Brickey Unit, ADC

DEFENDANTS

ORDER

Thompson seeks another extension to file his notice of appeal.

In reviewing the docket, the Court has discovered that Thompson's earlier request to extend the time to file his notice was untimely. *Compare No 43, with No 44.* The Court, however, granted the extension. And Thompson was entitled to rely on the Court's action. *Schwartz v. Priddy*, 94 F.3d 453, 456 (8th Cir. 1996).

Thompson's latest extension request, *No 49*, was untimely, too. He missed his deadline by three days. *Compare No 45.* It is clear, though, that Thompson is trying to perfect his appeal. He has, for example, sought documents. *No 47.* And his latest motion speaks about working on his "motion to appeal" and having a relative copy it to make it legible. He again notes his eye problems. *No 49.* In the circumstances,

the Court finds excusable neglect and reopens Thompson's time to appeal. FED. R. APP. P. 4(a)(5)(A)(ii).

Thompson must file a notice of appeal by 19 April 2019 to perfect his right to appeal. A notice of appeal is a simple document: Federal Rule of Appellate Procedure 3(c) requires Thompson to state only three things. The notice is not a brief, which must explain all the reasons Thompson believes this Court erred. FED. R. APP. P. 28.

Thompson's motion, *No. 49*, is granted. **Thompson must file his notice of appeal in this Court by 19 April 2019.** This Court will not grant him any further extension of time to meet this jurisdictional requirement.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

4 April 2019